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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,236	03/26/2004	Nagarajan Vedaraman	U 015106-3	9026

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LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

KHAN, AMINA S

ART UNIT	PAPER NUMBER
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1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/811,236

Applicant(s)

VEDARAMAN ET AL.

Examiner

Amina Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 15, 2006 has been entered.

2. Claims 1-15 are pending. Claim 11 has been amended.

3. All prior rejections are maintained.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in India on August 14, 2003. It is noted, however, that applicant has not filed a certified copy of the India 1000/DEL/2003 application as required by 35 U.S.C. 119(b).

Response to Arguments

Applicant's arguments filed November 15, 2006 have been fully considered but they are not persuasive. The 35 USC 103 rejections of claims 1-4,6-8,9-12,14 and 15 over Rodriguez et al. (US 3,254,938) and claims 5 and 13 over Rodriguez in view of Panepinto (US 2,937,068) are maintained.

The applicant argues:

1. "In contrast to the invention recited in the claims, Rodriguez et al. disclose a method of leather processing whereby raw hides/skins are subjected to alkali treatment in the presence of salt in a single, combined pretreatment operation. There is no initial step of soaking in saline water of high salinity in the presence of an alkali metal or alkaline earth metal salt, and there is no motivation in Rodriguez or in the prior art generally to modify the reference to provide this initial (separate) step."
2. "This in fact teaches away from the provision of a separate soaking step"
3. "Raw hides and skin mentioned in present invention indicate wet salted hides and skins, conventional Indian raw material, which consists at least 20% salt (w/w). Whereas Rodriguez; et al., indicates a process of using salt for soaking dried skins free of any salt (which is done normally to remove interfibrillary proteins). The total salt content for soaking in Rodriguez; et al., is only 3% (30, 000 ppm) whereas the present invention deals with soaking hides and skins containing not less than 15% salt (w/w) in saline water having up to 30, 000 ppm of chlorides making total chlorides content to as high as 95,000 ppm. Further taking in to consideration the composition of a dried skin, the

protein content will be 75-80% with about 20-25% moisture. Hence typically for 100 kilos of dried skin the protein: salt ratio employed is about 80:3 (since 3% salt is added in soaking).. However, according to Rodriguez, col. 1, lines 35-41, the protein content will be ~37% and salt content ~14%. This material containing protein:salt ratio of 37:14 is treated with saline water containing ~3% salt i.e., total salinity being 14% from hide, 3% from water, making it 17%. So the protein:salt ratio employed in the present study is 37:17 i.e., for 100 kilos of protein nearly 46 kilos of salt is employed."

4. "The second role of the calcium hydroxide is to carry out the conventional unit operation of liming, as disclosed in the prior art literature including the cited patents. However, this would not show or suggest the use of alkali salt in step (i), as required by the claims."

Regarding arguments 1 and 2, the examiner respectfully disagrees with the applicant. Rodriguez et al. (example XIV, column 10) clearly discloses a pretreatment step of treating 100 kg of dry sheep/goat skins with 400 kg of a 3% salt solution for 48 hours followed by treatment with 200% of an 8% NaCl solution and 1-2% sodium hydroxide for 5-8 hours. While Rodriguez is silent as to the components of the 3% salt solution, Rodriguez teaches that the pretreatment bath may consist of sodium hydroxide and sodium chloride alone (column 6, lines 13-16) and that the sodium chloride should be at least 0.25% with no upper limit (column 4, lines 10-20) with a treatment time of 2 to 48 hours. It would be obvious to one of ordinary skill in the art to use 11000 to 30000

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ppm chlorides and at least 0.04% sodium hydroxide because Rodriguez teaches pre-treatment baths with both components, and the percentages would just require optimization, which only requires routine skill in the art. Furthermore, Rodriguez et al. clearly teach that the treatments may be conducted on a previously salted hide (column 3, line 63) and it would be obvious that the previously salted hide may be treated by the salting conditions of Rodriguez.

Regarding the order of the soaking and fleshing steps. Rodriguez fleshes the skins after the first pretreatment step and before the second pre-treatment step. However, the courts have found that changing the order of steps does not render a claimed process nonobvious over the prior art, see *Ex parte Rubin*, 128 USPQ 440, 441, 442 (POBA 1959). Applicant has not provided evidence in declaration form that the instant order of steps provides unexpected results. Applicants' arguments are conclusory statements not supported by factual evidence, see *In re Lindner*, 457 F.2d 506, 173 USPQ 356 (CCPA 1972).

Regarding argument 3, the examiner respectfully disagrees. Rodriguez et al. clearly teach that their treatments may be conducted on a previously salted hides (column 3, line 63). It would be obvious to substitute salted hides into the methods of example XIV because Rodriguez teaches the equivalence of treating dried and salted hides (column 3, lines 60-70). The applicant's do not provide in their claims the limitations of "not less than 15% salt (w/w) in saline water having up to 30, 000 ppm of chlorides making total chlorides content to as high as 95,000 ppm" so the arguments

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are moot. Applicants' arguments are conclusory statements not supported by factual evidence, see *In re Lindner*, 457 F.2d 506, 173 USPQ 356 (CCPA 1972).

Regarding argument 4, It would be obvious to one of ordinary skill in the art to substitute other salts such as calcium hydroxide for sodium hydroxide because they are well known in the art to be used in conventional unit operations for leather processing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

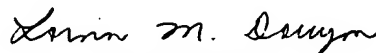
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Amina Khan, PhD
February 5, 2007



LORNA M. DOUYON
PRIMARY EXAMINER